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c Pr6 Association of Registered Graphic Designers of Ontario Act, 1996

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CHAPTER Pr6

An Act respecting the Association of Registered Graphic Designers of Ontario

Assented to April 25, 1996

Preamble

The Ontario, Ottawa, Northern Ontario and Windsor chapters of the Society of Graphic Designers of Canada (GDC) have applied for special legislation to incorporate The Association of Registered Graphic Designers of Ontario and to enable the Association to govern and discipline its members and to grant its members the right to the exclusive use of the designations "Registered Graphic Designer" and "R.G.D.".

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Association
incorporated

1. (1) A corporation without share capital is hereby constituted under the name "The Association of Registered Graphic Designers of Ontario".

Members of
Association

(2) The persons registered as members of the Ontario, Ottawa, Northern Ontario and Windsor chapters of the Society of Graphic Designers of Canada (GDC) on the day this Act comes into force and such other persons as later become members of the Association constitute the Association.

Objects

2. The objects of the Association are,

- (a) to establish, promote and regulate uniform province-wide standards of knowledge, skill and ethics for all persons engaged in the practice of graphic design;
- (b) to provide a unified voice for those engaged in the practice of graphic design;
- (c) to advise its members of developments in the laws and practices related to graphic design;
- (d) to promote and advance liaison with other individuals, associations and groups engaged in similar or related fields of activity;
- (e) to provide formal training and continuing education for its members;
- (f) to furnish means and facilities by which members of the Association and graphic design students may increase their

knowledge and skill in all things related to the practice of graphic design;

- (g) to promote public education programs on the benefits of graphic design; and
- (h) to provide a forum for the exchange of information relevant to the practice of graphic design.

3. (1) The affairs of the Association shall be managed by a board of directors.

Board of
directors

(2) The board shall consist of not fewer than nine persons and not more than 35 persons, as the board may determine by by-law.

Composition

(3) The immediate past president of the Association shall be a member of the board.

Past president

(4) The Association may by by-law provide for the appointment to the board of up to three persons who are not members of the Association.

Appointed
members

(5) The remaining members of the board shall be members of the Association who are elected in accordance with the by-laws of the Association.

Election

(6) The Association may by by-law divide the membership of the Association into regions for the purpose of holding local meetings, organizing local activities and electing one or more directors.

Local regions

(7) At any meeting of the board, two-thirds of the members of the board constitutes a quorum.

Quorum

(8) The board shall elect from its members a president, one or more vice-presidents, a treasurer and a secretary.

Officers

(9) In case of the death, resignation or incapacity of any member of the board, the board shall fill the vacancy for the balance of the term in the manner provided by the by-laws of the Association and, for the purpose of this subsection, the board may by by-law provide that a member's absence from a specified number of meetings of the board be treated as his or her incapacity.

Vacancies

4. The Association shall grant membership in the Association to any individual who applies, in accordance with the by-laws, if the individual,

Membership

	<p>(a) is of good character;</p> <p>(b) has complied with the academic and experience requirements specified in the by-laws of the Association for the issuance of membership; and</p> <p>(c) has passed such examinations as the board may set or approve in accordance with the by-laws of the Association.</p>	
Register	<p>5. (1) The executive director of the Association shall keep a register in which shall be entered the names of all members of the Association in good standing, their class of membership and such other information as may be determined by the board.</p>	
Public examination	<p>(2) The register shall be open to examination by the public at the head office of the Association during normal office hours.</p>	
Privileges of membership	<p>(3) Only those persons whose names appear in the register are entitled to the privileges of membership in the Association.</p>	
By-laws	<p>6. (1) The board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association.</p>	
Same	<p>(2) Without restricting the generality of subsection (1), the board may pass by-laws,</p> <p>(a) establishing classes of membership in the Association and prescribing the qualifications for and conditions of membership in the various classes of membership;</p> <p>(b) prescribing the courses of study to be pursued by students and candidates in order to satisfy the academic requirements of any class of membership;</p> <p>(c) prescribing the experience criteria to be met by candidates for any class of membership;</p> <p>(d) providing for the continuing education of members of the Association;</p> <p>(e) regulating and governing the conduct of members of the Association by prescribing a code of ethics, rules of professional conduct and standards of practice;</p> <p>(f) providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;</p> <p>(g) prescribing fees payable to the Association.</p>	
Designation	<p>7. (1) Every member of the Association who meets the qualifications and conditions as set out in the by-laws of the Association may</p>	
	<p>use the designations "Registered Graphic Designer" and "R.G.D.".</p>	
	<p>(2) Any person in Ontario who is not a member of the Association qualified as described in subsection (1) is guilty of an offence,</p> <p>(a) if he or she takes or uses the designation "Registered Graphic Designer" or "R.G.D." alone or in combination with any other word, name, title or description; or</p> <p>(b) if he or she implies, suggests or holds out that he or she is a registered graphic designer.</p>	Offence
	<p>8. (1) A person who has been refused membership or who has been subject to a disciplinary sanction under the by-laws of the Association may appeal to the Divisional Court from the refusal to grant membership or from the sanction.</p> <p>(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of a reasonable fee, the executive director of the Association shall give the party a certified copy of the record of the proceeding that resulted in the refusal to grant membership or the imposition of a sanction, including certified copies of the documents received in evidence at the proceeding.</p> <p>(3) An appeal under this section may be made on questions of law or fact or both.</p> <p>(4) The court may affirm or rescind the decision being appealed, may substitute its opinion for that of the board of directors of the Association, may refer the matter back to the board for rehearing in whole or in part or may direct the board to take such action as the court considers appropriate.</p>	Appeal regarding membership or sanctions
	<p>9. (1) A copy of the register, certified by the executive director as a true copy, shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of a person's membership and class of membership in the Association.</p> <p>(2) A certificate purporting to be signed by the executive director is proof, in the absence of evidence to the contrary, that such person is the executive director, without proof of the person's signature or of the person being in fact the executive director.</p> <p>(3) The absence of the name of any person from a copy of the register certified by the executive director as a true copy is proof, in the absence of evidence to the contrary, that the person is not registered as a member of the Association.</p>	Copy of record
		Grounds for appeal
		Powers of court
		Evidence
		Same
		Same

Right to practise unaffected	10. This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as a graphic designer.	ing out its objects and shall not be divided among its members.	
		12. This Act comes into force on the day it receives Royal Assent.	Commence- ment
Surplus	11. Any surplus derived from carrying on the affairs and business of the Association shall be applied solely in promoting and carry-	13. The short title of this Act is the <i>Association of Registered Graphic Designers of Ontario Act, 1996</i> .	Short title